



Memorandum

Date: July 13, 2000

To: Bay-Delta Advisory Council

From: Steve Ritchie, Acting Executive Director 

Subject: CALFED Bay-Delta Program Update

I want to thank Bay-Delta Advisory Council members for working with Chair Mike Madigan and Vice Chair Sunne McPeak in developing their recommendation on the CALFED Solution. In doing this work the Council as a whole has continued its very positive contributions to moving us toward resolution of Bay-Delta issues. The formal submittal of the recommendation is included in this packet.

Background

As you are aware, the CALFED Bay-Delta Program is moving from planning (Phase II) to long-term implementation (Phase III). During this time, we will keep you informed of the progress the Program is making and how best BDAC can assist us in reaching full implementation through either public meetings or periodic mailings (such as this packet).

To effectively begin full implementation of the Program, we must accomplish the following few, but very important tasks. In addition to providing you with Program updates, the following descriptions also outline BDAC's role over the next few months.

1. Finalizing the Programmatic EIS/EIR

Program Update. We are completing the Programmatic document and are on schedule to release the final EIS/EIR on July 28, 2000. After notice of availability of the final EIS/EIR is published in the Federal Register, the Program must wait 30 days before a decision on the Preferred Program Alternative is made. This 30 day period is not a second public or agency review and comment period. However, the Program will provide any comments received during this 30 day period to CALFED decision makers for their consideration, but the agencies are not required to respond formally to those comments.

CALFED Agencies

California
The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board
Department of Food and Agriculture

Federal
Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Geological Survey
Bureau of Land Management
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
U.S. Forest Service
Department of Commerce
National Marine Fisheries Service
Western Area Power Administration

BDAC Role. The Council has helped us immensely in establishing the geographic scope of the program, narrowing the alternatives and crafting the preferred program alternative. Although BDAC does not have a specific role with respect to the final document, as part of the general public you and your respective organizations may chose to comment on the document after it is released to the public.

2. Completing the Record of Decision (ROD)

Program Update. The CALFED agencies are in the process of preparing the ROD for the Programmatic NEPA/CEQA process. The agencies expect to issue the ROD very soon after the final EIS/EIR 30 day period, likely by the end of August or first part of September.

BDAC Role. The Recommendation on the CALFED Solution and the related discussions at the BDAC and CALFED Policy Group meetings this year assisted the CALFED agencies in framing and refining the issues that were addressed in the "Framework for Action" and will be addressed in the ROD. At this time, no BDAC or Policy Group meetings have been scheduled prior to issuance of the ROD.

3. Setting Up Interim Governance

Program Update. The Program is proceeding using the governance structure developed for the planning phase. After the ROD, the CALFED agencies, consistent with the "Framework for Action", will develop and execute an implementation agreement that will describe the interim governance structure and decision-making process by September 2000.

With regard to long-term governance, the "Framework" calls for formation of a new public agency and commission to oversee long-term implementation of the CALFED preferred alternative and suggests that new legislation be passed to establish the new agency and commission. The earliest this legislation could be enacted is late summer/early fall. If this occurs, it is likely the new commission would become effective by January 1, 2001.

BDAC Role. At this time, there are several factors affecting the role and longevity of the Council. You have essentially fulfilled your specific responsibilities listed in the Federal Advisory Committee Act Charter. However, your Work Groups and Subcommittees are still meeting and conducting business which you may need to work on over the next few months. In addition, the CALFED agencies may ask the Council to meet on a specific issue. Chair Mike Madigan has asked the Work Group and Subcommittee Chairs to describe the purpose of their meetings to the end of 2000 and any actions which will require BDAC consideration. We expect to hear from the Chairs by July 31, 2000.

The "Framework for Action" also calls for a balanced and diverse advisory committee with specific membership requirements to assist the commission. I would expect the commission to establish this committee soon after it comes into existence.

The Council's Federal Advisory Committee Act charter expires in June 2001. If a new public advisory committee is established before the charter expires, it is very likely that the Council will be retired at that time. If the new public committee is established after the charter expires, the interim governing structure will determine the appropriate forum for receiving public advice and assistance. Decisions could include creating a new federal charter or renewing, and possibly amending, the existing charter.

Through at least December 31, 2000, I expect CALFED will continue to rely on BDAC for official public advice on issues raised by your Work Groups and Subcommittees and the remaining interim tasks described below.

4. Preparing the Program for the first year of implementation

Program Update. As you may be aware, Governor Davis has signed a state budget for 2000/2001 that totals about \$261 million for implementing CALFED actions. In addition, Congress has yet to act on authorizing CALFED related funds for Federal Fiscal year 2001. The availability of these substantial financial resources, in addition to the challenging milestones in the "Framework", require that we quickly refine priorities and develop annual work plans for each of the Program elements.

BDAC Role. In the fall of 2000 we expect to keep you up-to-date on the 2001 Program priorities and funding allocation. I will consult with the CALFED Policy Group and Chair Mike Madigan and Vice Chair Sunne McPeak to determine whether it is most appropriate to inform you through written updates or to schedule a meeting to discuss priorities and funding allocation.

5. Preparing the Program's first annual report to the Governor, Secretary of the Interior, California Legislature and Congress

Program Update. The "Framework for Action" calls for an annual report on Program progress beginning in 2001. Because meeting the milestones in the "Framework" is so critical to the success of the Program, we will likely issue an initial report by December 15, 2000.

BDAC Role. During Fall 2000, it is likely we will schedule a BDAC meeting to receive advice and recommendations on the draft annual report.

Conclusion

The intent of this memo and the other materials in this packet is to keep you informed on the progress the CALFED Bay-Delta Program is making during this transition period. If

you have any questions or comments regarding information in this packet please feel free to contact Eugenia Laychak at 916/654-4214.

Have a good summer!

The packet includes:

- The formal submittal to the CALFED Policy Group on the Recommendation on the CALFED Solution
- Background materials for the formal submittal
- Ecosystem Restoration Program Focus Group recommendations
- Ecosystem Restoration contract amendments
- Bay-Delta Accord Extension
- Work Group meeting summaries
- Other correspondence

Attachments